United Nations S/2010/562

Security Council

Distr.: General
29 October 2010

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), which established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of its mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 July to 18 October 2010.

II. Political situation and Mission priorities

2. The goal of the Mission is the promotion of security, stability and respect for human rights in Kosovo through engagement with all communities in Kosovo, with the leadership in Pristina and Belgrade, and with regional and international actors. UNMIK status remained unaffected by the advisory opinion of the International Court of Justice (ICJ), delivered on 22 July 2010, on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

3. In the wake of the ICJ advisory opinion, and following an intensive process of consultation, the General Assembly adopted on 9 September 2010 resolution 64/298 that was jointly sponsored by Serbia and the 27 member States of the European Union. The resolution acknowledged the content of the ICJ advisory opinion, welcomed the European Union readiness to facilitate dialogue between Pristina and Belgrade and noted that the process of such talks would be a factor for peace, security and stability in the Balkan region.

4. UNMIK close cooperation and coordination with other international actors on the ground, at operational and strategic levels, have continued. The Organization for Security and Cooperation in Europe (OSCE) and the European Union Rule of Law Mission in Kosovo (EULEX) have maintained their important roles within the framework of Security Council resolution 1244 (1999). UNMIK and the OSCE Mission in Kosovo exchange information on a regular basis, particularly on political and security developments. In line with the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), EULEX operates in the rule of law sector under the overall authority

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and within the status-neutral framework of the United Nations. As per established practice, the quarterly report on EULEX activities, submitted by the High Representative of the European Union for Foreign Affairs and Security Policy, is contained in annex I to the present report.

5. The Kosovo Force (KFOR) and UNMIK continue to engage in information-sharing, particularly with regard to security developments, coordinate activities and develop common approaches on issues related to the maintenance of peace and stability on the ground.

6. The United Nations agencies, funds and programmes work closely with UNMIK. The United Nations Strategic Framework for Kosovo, developed jointly by UNMIK and the United Nations Kosovo Team (UNKT) as part of the integrated mission planning process, was endorsed by all stakeholders on 9 September; implementation is under way. The United Nations Kosovo Team common development plan, the five-year programming document of the United Nations agencies, funds and programmes, is scheduled to be launched in December.

7. In August, the Kosovo authorities announced that any Serbian government representative entering Kosovo in an official capacity, regardless of his/her seniority, would "be arrested and expelled if caught by the police". The reason provided was that Serbian officials visiting Kosovo had failed to act in accordance with the rules set out by the Kosovo authorities for such visits. This announcement came following a visit by Serbian Deputy Prime Minister and Minister of Interior to Gračanica monastery on 15 August, during which he responded to questions from the media regarding the handover of the protection of the monastery from KFOR to the Kosovo police as well as about the possibility, under Security Council resolution 1244 (1999), of Serbian police returning to Kosovo.

8. On 24 September, in response to a petition filed on 25 June by 32 members of the Kosovo Assembly, the "Constitutional Court" of Kosovo announced that President Fatmir Sejdiu had committed "a serious violation of the Constitution" by having simultaneously held the posts of President of Kosovo and head of a political party, the Democratic League of Kosovo (LDK). On 27 September, Mr. Sejdiu resigned as President of Kosovo, and the Kosovo Assembly Speaker, became the Acting President. Following Mr. Sejdiu's resignation, the governing coalition partners, the Democratic Party of Kosovo (PDK) and LDK, decided to hold early elections, which were originally due at the end of 2011, before a new President could be selected by the Assembly.

9. On 15 October, the Acting President announced that early general elections would be held on 13 February 2011, a move initially accepted by the junior coalition partner, LDK. However, the following day, Mr. Sejdiu announced that LDK would withdraw from the governing coalition effective 18 October. Deputy Prime Minister Hajredin Kuçi responded that, in light of the withdrawal of LDK, extraordinary elections would have to be held within 45 days, i.e. in early December. Statements by the Kosovo authorities indicate that they would prefer to engage in dialogue with Belgrade only after elections are held and new institutions are created.

10. Since my last report to the Security Council (S/2010/401), dated 29 July 2010, one additional State has recognized Kosovo, bringing the total to 70.

III. Engagement with Pristina and Belgrade and practical arrangements

11. Relations between UNMIK and the Kosovo authorities remained at arm's length during the reporting period. However, despite the absence of full and systematic interactions, my Special Representative held a number of meetings in a positive atmosphere with some Kosovo leaders, including then President Fatmir Sejdiu, Assembly Speaker Jakup Krasniqi and Deputy Prime Minister Hajredin Kuçi.

12. On 25 August, my Special Representative met in Belgrade with Serbian President Boris Tadić, the Minister for Internal Affairs, Ivica Dačić, and the Minister for Kosovo and Metohija, Goran Bogdanović. Other contacts with the Serbian authorities continued throughout the period both through the direct engagement of my Special Representative and through the United Nations Office in Belgrade.

13. With UNMIK facilitation, Belgrade and Pristina continued to cooperate on missing persons issues through the Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC), and on religious and cultural heritage issues through the Reconstruction Implementation Commission (RIC) for the Serbian Orthodox heritage sites in Kosovo, led by the Council of Europe. Full reconstruction of all damaged Serbian Orthodox sites has not been possible due to the exhaustion of available funds by the end of 2010. The RIC parties, supported by the international community, are exploring new modalities to allow the RIC mechanism to continue beyond the expiration of current funding, as it remains the only platform for interface at a technical level between the Serbian Orthodox Church, the Serbian Ministry of Culture and the Kosovo authorities. The European Union facilitator for the protection of the religious and cultural heritage of the Serbian Orthodox Church in Kosovo continued to engage with all stakeholders, including UNMIK.

14. The problem of missing persons remains a major challenge to efforts at bringing about reconciliation between the communities, and continues to disrupt the return process. ICRC estimates that 1,837 individuals were still missing as at September 2010 as a result of the armed conflict. During the reporting period, one session of the ICRC-chaired Working Group on Missing Persons was held in Belgrade on 27 August 2010. At the invitation of the Committee on Missing Persons in Cyprus, the Pristina and Belgrade delegations of the Working Group travelled to Cyprus from 27 to 29 September 2010 in order to exchange notes on their experiences and approaches to missing persons issues. UNMIK facilitated the participation and accompanied the Kosovo representatives in these events.

15. During the months of August and September, four searches were launched at two potential mass graves, at Zhillivodë/Žilivoda and Koshare/Košare in Kosovo, as well as at two potential mass graves in Rudnica near Raška and in Peručac Lake, in south-western Serbia.

16. Regrettably, dialogue and practical cooperation between Belgrade and Pristina have not so far extended to other areas.

IV. Northern Kosovo

17. Recent developments have increased political tensions in northern Kosovo. The advisory opinion of the International Court of Justice was met with disbelief

among the Kosovo Serb community in the north. On 22 July, the Serbian Government Coordinator for the Mitrovica District addressed a crowd of 700 Kosovo Serbs in northern Mitrovica and declared that "the fight for Kosovo will continue", before asking the crowd to disperse peacefully. A number of Kosovo Serbs blamed the Democratic Party leadership in Belgrade which, in their opinion, was unable to protect effectively the territorial integrity of Serbia. On 7 September, the Assembly of the Union of Serbian Municipalities and Settlements in Kosovo and Metohija declared that the Kosovo Serbs are citizens of the Republic of Serbia, and that "no illegal and violent acts could change this state of affairs". On 15 September, the Assembly of the Union of Serbian Municipalities met in northern Mitrovica, with 25 of 45 members attending, mainly from Serbian parties in opposition to the Serbian government. The session protested the General Assembly resolution on Kosovo and denounced the Serbian President, calling on him to resign.

18. Other events that triggered tensions in the north during the reporting period included the Kosovo Albanian construction, without approval by the UNMIK Administration in Mitrovica (UAM), of a strategically placed house on public land, as well as of an access road from the house to the Kosovo Serb village of Zveçan i Vogël/Mali Zvečan, also without a legal building permit. A UAM construction inspector as well as various international monitors visited the site but no agreement was reached with the owner. Due to the sensitivity of the issue, efforts have focused on finding a negotiated solution. A variety of unresolved property disputes, as well as efforts by institutions in Pristina to exercise their authority north of the Ibër/Ibar River, including through the deployment of Kosovo Police Regional Operations Special Units (ROSU) without agreement with EULEX, continued to generate inter-ethnic tensions. On 25 September, an explosive device was found in the municipality of Leposaviq/Leposavić near a cellular phone transmitter belonging to a Pristina-based provider, apparently in preparation to retaliate for the campaign by the Kosovo Telecommunications Regulatory Authority (TRA) to dismantle the "unlicensed" Serbian transmitters. The following day, TRA resumed its campaign to dismantle Serbian mobile telephone ground stations Kosovo-wide, including in the north. TRA technicians, escorted by a ROSU unit, appeared in the vicinity of a transmitter of Telecom of Serbia in the municipality of Zubin Potok but were met at the site by some 150 Kosovo Serbs who prevented them from removing the transmitter (see also para. 39 of the present report).

19. Meanwhile, both Pristina and Belgrade sought to stake claims to the administration of northern Mitrovica and the rest of northern Kosovo. Following local elections organized by Serbia in May, on 26 July the newly elected representatives established the municipal government of "Kosovska Mitrovica". The announcement by the Kosovo authorities on 25 August 2010 of plans to allocate 5 million euros for northern Kosovo was rejected by Kosovo Serb municipal leaders, who emphasized that the northern municipalities receive their financial support from Belgrade.

20. In September, as a result of the publication of an inaccurate report on the UNMIK Administration in Mitrovica by the "Office for Implementation of the Strategy for the North of Kosovo" in Pristina, a campaign against UNMIK activities in northern Kosovo erupted in the local media. Some media reports alleged that UNMIK staff were biased and listed their names and nationalities. As a direct consequence of the ongoing allegations by the Kosovo authorities and Kosovo media against the work of the UNMIK Administration in Mitrovica, its cooperation

with the Kosovo Albanian community has deteriorated in recent months. The representatives of the Kosovo Albanian villages in northern Mitrovica have recently stressed that they had been instructed to neither cooperate with the UNMIK Administration in Mitrovica nor solicit its assistance in the future. Nevertheless, during the reporting period, the UNMIK Administration in Mitrovica facilitated and coordinated activities with utilities companies to repair streetlights in the Kosovo-Albanian inhabited neighbourhood of the "Doctors Valley" area in northern Mitrovica and to restore water supply in the Kosovo-Albanian inhabited neighbourhood of Suhodoll/Suvi Do. The UNMIK Administration in Mitrovica provided the appropriate record books to the civil services centre, which began operating in July and has since offered services to all citizens in respect of civil status and civil registration. In the first two months of operation, 490 applications were processed from Kosovo Albanians, Serbs and other ethnicities, 90 of whom identified themselves as Serbs. With the view to further improving the effectiveness and the transparency of the activities of the UNMIK Administration in Mitrovica, my Special Representative is reviewing its functioning.

21. One noteworthy and positive development, albeit long overdue, was the closing down of the Česmin Lug Roma camp in northern Mitrovica, which over the years had gained notoriety for its unhealthy conditions. On 1 October, the UNMIK Administration in Mitrovica, in a coordinated action with the Office of the United Nations High Commissioner for Refugees (UNHCR), Mercy Corps and the Roma, Ashkali and Egyptian residents of the Česmin Lug camp in northern Mitrovica, closed and sealed off the camp. The electricity and water supply were cut and bulldozers were used to immediately remove the last standing shelters and barracks in order to dissuade any new arrivals from settling there. The remaining residents of the Česmin Lug camp and the UNMIK Administration in Mitrovica health house were moved to Camp Osterode. The site of the former Česmin Lug camp is now under the custody of UNMIK and the UNMIK Administration in Mitrovica with Kosovo police protection. Previously, some 50 new residential homes for members of the RAE communities were inaugurated in the Roma Mahala area in southern Mitrovica for returning families from Osterode and Česmin Lug. The United States Agency for International Development allocated 2.4 million dollars for the reconstruction of the houses that had been largely destroyed in June 1999 when the residents of Roma Mahala, numbering over 7,000, had fled. The number of families in Roma Mahala has now climbed to around 130. Construction work was launched on 27 August for an additional 38 houses for the Roma, Ashkali and Egyptian families from Česmin Lug and Osterode camps. This project, worth 5 million euros, was funded by the European Union while Mercy Corps and the Kosovo Agency for Advocacy and Development are in charge of its implementation.

22. The United Nations Development Programme and the United Nations Kosovo Team area-based development programme facilitated a civil society conference on Mitrovica development from 25 to 27 September. The conference, organized by the Ministry of Local Governance Administration, was attended by approximately 100 participants, the majority of whom were Kosovo Serb representatives from northern Mitrovica, and intended to discuss common concerns and solutions. The lack of regular dialogue between Kosovo communities in the north and south, the lack of access to donor funds and the lack of inclusion of young people and the civil society in decision-making processes were identified as key challenges by the participants.

V. Security

23. While the overall security situation in Kosovo remained relatively calm, there were recurring clashes in northern Kosovo between Kosovo Serbs and Kosovo Albanians. Incidents were reported on 26 July, when a Kosovo Albanian was assaulted by a group of Kosovo Serbs on the northern side of the main bridge in Mitrovica; on 5 August, when stones were thrown across the bridge between Kosovo Albanian and Kosovo Serb youths; and on 9 August, when three Kosovo Serbs attacked three Kosovo Albanians in northern Mitrovica. On 7 September, a Kosovo Albanian male was shot and killed in the northern Mitrovica neighbourhood known as Mikronaselje/Kodra e Minatorëve, and a Kosovo Serb police officer was later arrested in connection with the case. Although the case received high media attention, both Kosovo Albanian and Serb community leaders concluded that the murder was not ethnically motivated and would have no significant impact on community relations.

24. On 11 September, following the Serbian basketball team loss to Turkey in the semi-finals of the basketball world championship tournament, approximately 150 Kosovo Albanians while celebrating this event tried to cross the main bridge in Mitrovica shouting anti-Serbian slogans. This led to stone-throwing between 600 Kosovo Albanians and 1,000 Kosovo Serbs, who were kept separated by Kosovo Police Regional Operations Units and EULEX formed police units, on each side of the bridge. During the unrest that followed, one Kosovo Serb male and one EULEX police officer were injured by gunfire. Three Kosovo Serbs, one Kosovo Albanian and one Kosovo police officer also sustained light injuries, while extensive material damage to private property occurred.

25. Other incidents in the northern municipalities included the repeated targeting of a Kosovo Albanian-owned bakery near the main road in Zvečan/Zveçan that was damaged by an explosive device on 18 September. The owner was assaulted on 5, 18 and 30 September. Kosovo police classified the incidents as ethnically motivated. A trend of targeting Kosovo Serbs working for Kosovo institutions was noted in northern Mitrovicë/Mitrovica and Zvečan/Zveçan, with three separate incidents targeting the vehicles of Kosovo institutions employees reported on 17, 18 and 20 July. Two Kosovo police vehicles were targeted by bombs and two private vehicles owned by Serb members of Kosovo police were set on fire on 28 August, while on 9 September a hand grenade went off near the private vehicle of another Kosovo Serb police officer. On 8 August, in Zubin Potok, unknown persons attempted to burn a vehicle belonging to the municipal communities office based in the Kosovo Albanian village of Çabër/Čabra.

26. On 15 October, following an argument between two groups of young Kosovo Albanians and Kosovo Serbs at the main bridge in Mitrovica, unknown persons stole the Serbian flag from the Belgrade-sponsored municipality building, located in the northern part of the town. Later, about 100 Kosovo Albanian juveniles gathered on the southern side of the main bridge and burned a Serbian flag. Kosovo police intervened and arrested three Kosovo Albanian males who disobeyed its orders. The crowd dispersed before midnight. This incident came just three days after an Albanian flag was burned by Serbian rowdies at the start of a football match in Genoa, Italy. That incident set the stage for several incidents involving the burning of Serbian flags, inter alia, in Tirana, Albania, and Tetovo, the former Yugoslav Republic of Macedonia.

27. On both sides of the Ibër/Ibar River, KFOR has introduced enhanced security operations and vehicle check points, in close cooperation with Kosovo Police forces

and EULEX, in order to ensure a safe and secure environment. KFOR will maintain a robust reserve force able to quickly respond to civil unrest in Mitrovica and at gates 1 and 31, where KFOR focuses its main security effort on supporting EULEX.

VI. Rule of law

28. UNMIK continues to exercise certain responsibilities in the area of rule of law and cooperates at the technical level with the Kosovo Ministries of Justice and Internal Affairs, as well as the Serbian Ministry of Justice.

29. UNMIK continues to receive and forward requests for mutual legal assistance from non-recognizing countries. The Kosovo Ministry of Justice is not acting on requests received from Serbia due to non-reciprocity. UNMIK provides document certification services to Kosovo residents as well as to non-recognizing States. Those services include primarily the certification of civil status, pension and academic documents.

30. According to the Kosovo authorities, the number of Kosovo Serbs who have obtained Kosovo identity cards since they were first issued on 10 October 2008 reached approximately 21,000 by the end of August 2010. Although the number of Kosovo Serbs who applied for Kosovo civil documents dropped by half compared to the past reporting period, the ongoing applications indicated the continuing need for them to access public services, banking as well as pension and social aid.

31. UNMIK continues to facilitate Kosovo interaction with INTERPOL. During the reporting period, UNMIK worked on 16 requests for international wanted notices received from EULEX and local judges and facilitated the issuance of 14 INTERPOL Red Notices.

32. Ongoing efforts by EULEX to re-establish a fully functioning, multi-ethnic court in the northern part of Mitrovica and full-fledged customs facilities at gates 1 and 31 continue to face obstacles.

33. According to the Kosovo authorities, as a sign of good will and to avoid any tension with Serbia, a policy decision has been taken to continue allowing the citizens of Serbia to enter Kosovo only with their national ID card.

34. On 19 July, the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) ordered a partial retrial of the case of Ramush Haradinaj, the leader of the Alliance for the Future of Kosovo and former Kosovo Prime Minister, as well as his immediate detention on remand. Mr. Haradinaj's request for release pending trial was denied by the Tribunal on 11 September and he has appealed this decision.

35. On 23 July, the Governor of the Central Bank of Kosovo was detained by Kosovo police in connection with an ongoing corruption and financial investigation. His detention was extended on 23 August for 60 days.

VII. Communities and returns

36. The Kosovo authorities took steps to streamline municipal capacities for non-majority community rights and the return process by merging the municipal

community offices and the municipal returns offices into municipal offices for communities and returns. As of today, formal requirements for setting up those offices have been met in almost all the municipalities south of the Ibër/Ibar River and the transition is well under way.

37. As part of the ongoing decentralization process, following run-off elections on 18 July with a 54.7 per cent turnout, the new, predominantly Kosovo Serb-majority municipality of Partesh/Parteš was finally established on 19 August when the 15 members of the municipal assembly and the new mayor took the oath of office. It joins the other four newly created municipalities south of the Ibër/Ibar River that are making slow yet steady progress towards full operational capacity. The new municipalities continue the process of setting up their municipal structures, forming policy and finance committees, communities committees, and working on municipal statutes, rules and procedures for municipal assemblies. Some delays in transferring responsibilities from "mother municipalities" have affected service delivery, property administration, as well as the provision of essential public services, including health and education. Full administrative and operational functionality has also been impeded by budgetary constraints.

38. On 26 September, the Kosovo Telecommunications Regulatory Authority resumed disconnection of "unlicensed" Serbian mobile, and, partially, landline network providers. According to the Telecommunications Regulatory Authority officials, only in the first two days of the operation, Authority teams, supported by the Kosovo Police, dismantled 23 telecommunication ground stations and telecommunications equipment at 21 locations. This sparked subdued protests by Kosovo Serbs in some areas such as Osojan/Osojane and Cërkolez/Crkolez (Istog/Istok municipality), while at some locations Authority teams withdrew after gunshots were heard in the vicinity. The Telecommunications Regulatory Authority postponed the disconnection of the antenna located inside the Orthodox churchyard at Upper Rahovec/Orahovac town, fearing an adverse reaction from the local Kosovo Serb community. Meanwhile, the antenna located near the Orthodox monastery in Zoçishtë/Zočište in Rahovec/Orahovac municipality was disabled along with a number of transmitters. Serbian Government officials and the Serbian Orthodox Church protested against the move, alleging that 70,000 to 80,000 Kosovo Serbs all over Kosovo were left without basic means of communication as the operation targeted the co-located mobile and landline communication equipment, which subsequently affected access to emergency services, and disrupted the normal functioning of several licensed Kosovo Serb media outlets.

39. Lack of potable water and proper sewage networks remains a common problem in many minority locations Kosovo-wide. The Serb quarter in Upper Rahovec/Orahovac town was, as with previous years, without running water for several consecutive weeks in the summer season. The local authorities were not proactive, denied any responsibility and attributed the problem to the water company. Similar complaints were raised by affected communities and their leaders to the Graçanicë/Gračanica, Lipjan/Lipljan and Vushtrri/Vucitrn municipal authorities.

40. The new school year in minority areas started without major problems. The number of secondary school students in some Serbian enclaves has decreased, as more parents sent their children to northern Kosovo or Serbia proper with the expectation of better education opportunities and employment prospects there. In Dragash/Dragaš, the issue of the Serbian curriculum still divides the Gorani community. Gorani children

are generally following the Serbian curriculum under the "parallel education system", while those whose parents claim Bosniak ethnicity and whose political leaders are in a coalition with the PDK ruling party support the Kosovo educational system.

41. The situation in Zallq/Žac in Istog/Istok municipality appears to have stabilized despite similar issues — allegations of involvement in war crimes, unresolved missing persons cases and property disputes — being raised in protest against Kosovo Serb returnees in other areas. The Kosovo Force had recently reduced its security presence at the Zallq/Žac returns sites following weeks of calm. The second phase of housing reconstruction for the returnees began on 16 September, while works on 13 houses started in the first phase on 9 July are ongoing.

42. According to the statistics of the United Nations High Commissioner for Refugees (UNHCR), some 706 displaced persons returned voluntarily to Kosovo during the reporting period, of whom 233 (33 per cent) were Kosovo Serbs and 360 (51 per cent) were Roma, Ashkali and Egyptian.

43. The number of "go-and-see" visits and "go-and-inform" visits dropped compared to the previous quarter. During the period under review, UNHCR reported 11 "go-and-see" visits targeting 87 displaced persons, largely from Montenegro and Serbia. Seven "go-and-inform" visits were also organized for the benefit of 65 displaced persons. Several construction and reconstruction projects for returnees were implemented under phases I and II of the return and reintegration in Kosovo (RRK) project. About 78 per cent of the beneficiaries are Kosovo Serbs while Roma, Ashkali and Egyptians account for 17 per cent. As of 5 October, 28 houses have been constructed, 17 of which had been handed over to the beneficiaries.

44. UNHCR data on returns recorded 138 minority forced returns from third countries, mainly in Western Europe, of which, 18 per cent were Kosovo Serbs, 36 per cent Roma and 19 per cent Ashkali.

45. The recent signing of readmission agreements between Western European countries and Kosovo and the planned repatriations of several thousand Roma, Ashkali and Egyptian families originating from Kosovo under these agreements, have raised alarm as existing reintegration programmes are stretched and insufficient to meet the needs of the most vulnerable. According to UNICEF research, existing return and repatriation practices fail to provide for a return in safety and dignity. Roma, Ashkali and Egyptian children, regardless of whether they return voluntarily or are being repatriated against their will, are particularly vulnerable. UNICEF research confirmed alarmingly high drop-out rates from schools among returning Roma, Ashkali and Egyptian children, high rates of statelessness (e.g. children not being registered), high incidence of extreme poverty and inadequate access to health-care services, especially among children with special needs or chronic diseases.

VIII. Cultural and religious heritage

46. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission on the reconstruction of cultural and religious heritage sites damaged or destroyed during the March 2004 violence. Under the Commission auspices, rehabilitation works at the Episcopal Church of Saint George in Prizren were completed,

works at two sites in Vushtrri/Vucitrn and Gjakovë/Đakovica are nearing completion, and work at three further sites are expected to be finalized by the end of 2010.

47. UNMIK also facilitated the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. UNESCO, with the support of UNMIK, conducted coordination visits and technical assessments of cultural heritage sites under reconstruction and continued to implement projects engaging Kosovo Albanians and Kosovo Serbs.

48. UNMIK monitored the security arrangements provided for the Serbian Orthodox sites in coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports and KFOR. KFOR staged process of "unfixing" forces from sites with "designated special status" continued during the reporting period. On 23 August, KFOR officially handed over responsibility for the protection of the Serbian Orthodox Monastery in Graçanicë/Gračanica to the Kosovo police. The Serbian Orthodox Church opposed this decision, expressing concerns about safety of the clergy and holy sites. The North Atlantic Council also decided to transfer to the Kosovo police the responsibility for the protection of the Budisavci, Gorioč and Zočište monasteries, which has yet to take place. No decisions have been announced for other important Serbian Orthodox Church sites under KFOR protection, namely the Patriarchate of Pejë/Peć or the Visoki Dečani, Dević and Holy Archangels monasteries.

49. On 3 October, the enthronement ceremony of the head of the Serbian Orthodox Church, Patriarch Irinej, was held at the Patriarchate in Pejë/Peć, facilitated by robust security measures by KFOR, the Kosovo police and EULEX. Serbian President Tadić and other dignitaries participated in the ceremony, which attracted several thousand pilgrims and invitees. My Special Representative attended the ceremony as did the heads of the other international presences, the KFOR Commander, the Head of Mission of the Organization for Security and Cooperation in Europe, and the head of EULEX. There were no incidents during the ceremony itself. However, there were reports of posters placed prior to the ceremony along the road to the Patriarchate depicting the Patriarch as a war criminal. These were removed by KFOR soldiers. On their way home following the ceremony, in four separate stoning incidents, Serbian buses transporting pilgrims were targeted, mainly in the Pejë/Peć area, while heading home after the ceremony. One pilgrim was slightly injured. The Kosovo police intervened, taking six Kosovo Albanians into custody.

50. During the reporting period, incidents were registered involving both Serbian Orthodox and Muslim religious sites. In August, the Serbian Orthodox Church in Bërnica e Epërme/Gornja Brnjica was vandalized, the parish house of the Orthodox Church in Gjilan/Gnjilane town was broken into for the third time and some items were stolen. In September, two Orthodox cemetery tombstones were desecrated in Tomanc/Tomance village (Kamenicë/Kamenica municipality). In two separate but similar incidents in August, unknown perpetrators broke into the Turkish baths and a mosque in Pejë/Peć municipality and stole lead sheeting from the roof. In September, in Deçan/Dečani municipality, a sacral structure located inside a Muslim cemetery was set on fire by unknown persons.

IX. Human rights

51. Following the entry into force on 12 September 2010 of the new "Law on the Ombudsperson", the Ombudsperson initiated the appointment process for the five

deputy ombudsperson posts provided for by the law. It may be recalled that the protracted appointments process for the post of the Ombudsperson itself led to concerns about the impartiality of the institution. It is critical that the new appointments are made strictly in accordance with established rules and procedures.

52. Shortcomings in the rule of law sector continue to pose significant protection hurdles. This is a matter of concern especially given that the bulk of complaints received by the Ombudsperson institution relate to judicial and administrative matters. In its most recent annual report, the Ombudsperson further highlighted continuing concerns in the protection of property rights, as well as serious inadequacies in the treatment of persons with disabilities.

53. In pursuance of its mandate, the Human Rights Advisory Panel has made recommendations to my Special Representative on 62 out of a total of 521 complaints.

X. External representation and regional cooperation

54. UNMIK continued efforts to facilitate Kosovo participation in regional and international conferences, although the Kosovo authorities have been less than enthusiastic about utilizing UNMIK facilitation role. In the wake of the advisory opinion of the International Court of Justice they have actively resisted such a role, perceiving it as a limitation on the "sovereignty" of Kosovo. However, should this policy continue over time, it might result in increasing isolation of Kosovo as a consequence of its difficulty in engaging in regional cooperation, directly affecting Kosovo's economic and social development. On the other hand, in the case of the Central European Free Trade Agreement (CEFTA), where Pristina has shown renewed interest in remaining actively included, the continued refusal of some CEFTA parties to accept the Kosovo customs stamps has complicated matters, although the stamps have been communicated in line with the CEFTA provisions and UNMIK has repeatedly assured that they are in accordance with Security Council resolution 1244 (1999). The trade difficulties stemming from the non-cooperation on customs stamps are further reducing the already limited export possibilities for products originating from Kosovo.

55. During the reporting period, UNMIK facilitated the participation of Kosovo in one meeting of the Regional School for Public Administration Steering Committee; one meeting of the Governing Board of the Implementation of the Single European Sky in South-East Europe project, co-organized by the Regional Cooperation Council, the International Civil Aviation Organization and the European Commission; one NATO meeting on Balkan aviation normalization; three Energy Community meetings; one meeting of the South-East Europe Transport Observatory (SEETO) Steering Committee, the European Commission and international financial institutions on the review of the priority projects of the SEE Regional Transport Network; one meeting of the SEETO Steering Committee; one meeting of the Central European Free Trade Agreement; and a round table on non-tariff barriers co-organized by the OECD and the Hungarian Government.

XI. Observations

56. I welcome the resolution adopted by the General Assembly on 9 September and the readiness of the European Union to facilitate a process of dialogue between

Pristina and Belgrade. I am pleased that the text of the resolution adopted was based on agreement between Serbia and the European Union, thus creating the conditions for this process to move forward in the context of the European perspective for the region.

57. This dialogue is expected to open a new phase, help build confidence between the sides and lead to the resolution of issues which are important for the consolidation of peace, stability and reconciliation in Kosovo and in the region. I will therefore continue to encourage Pristina and Belgrade to engage in it in good faith, in close consultation with the European Union. I believe that it is in the interest of the sides to start this process rapidly and to take advantage of the positive momentum created in the past months.

58. I reaffirm the readiness of the United Nations to contribute to these efforts in close coordination with the European Union. The United Nations stands ready to support the dialogue, as necessary and useful. My Special Representative is in contact with the European Union, as the facilitator in this process, and I intend to keep the Security Council informed accordingly. In this regard, I will also continue to stress the importance of close coordination among all stakeholders with regard to the next steps of the process.

59. The situation in northern Kosovo has remained unstable, and tensions have grown in the aftermath of the International Court of Justice advisory opinion. I continue to urge the sides to exercise restraint and adopt a measured, constructive approach in order to avoid further escalations in northern Kosovo. In this regard, the support of the members of the Security Council for the efforts of UNMIK there, and their unequivocal messages to the sides to avoid unilateral actions that could lead to the escalation of tensions, will remain crucial.

60. I am also concerned over the recent report by the Kosovo authorities and the subsequent media commentaries against the UNMIK presence in the north, which have risked placing United Nations staff in danger. UNMIK would be prepared to hand over its functions in northern Kosovo to a structure which is legitimate and acceptable to all communities, in accordance with the United Nations policy of status neutrality. Until then, I strongly urge all sides to continue their cooperation with UNMIK in delivering its mandate.

61. Besides the north, the absence of significant progress in reconciliation between the communities remains evident elsewhere in Kosovo, and continues to present a challenge. Although some progress has been made through the process of decentralization, there has been no significant change in the consistently low numbers of returns. The incidents surrounding the enthronement of Patriarch Irinej in the Peć Patriarchate are regrettable and demonstrate that more needs to be done to overcome past prejudices and to ensure that religion is not politicized in Kosovo.

62. The Reconstruction Implementation Commission for the Serbian Orthodox heritage sites in Kosovo has proved to be an effective forum for cooperation between Belgrade and Pristina. It is therefore highly desirable that the parties participating in the Commission agree to preserve it and extend this umbrella for cooperation in other technical areas, as appropriate. The international community should support the Commission with technical expertise and additional funding.

63. I would like to conclude by expressing my gratitude to my Special Representative for continuing his excellent leadership of the Mission and his efforts to advance cooperation between all sides and help maintain security and stability in

Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to the goals of the United Nations.

64. Finally, I would like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes, for their ongoing support and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission Kosovo

1. Executive summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of rule of law and to implement its executive functions according to its mandate. The Mission worked with the Kosovo rule of law authorities on planning and implementation of targeted monitoring, mentoring and advising activities, focusing especially on management level capacity and methodology in the Kosovo police, justice and customs. On the executive side, EULEX focused its attention on tackling organized crime and corruption throughout Kosovo. The number of verdicts issued by EULEX judges or by EULEX-led court panels significantly increased. EULEX also set up a taskforce to coordinate actions planned to fight criminality in the north.

2. Activities of the European Union Rule of Law Mission in Kosovo for the period from July to October 2010

General

EULEX is currently comprised of 2,846 (1,677 international and 1,169 local) staff. Meetings of the Joint Rule of Law Coordination Board, co-chaired by the Head of EULEX and the Deputy Prime Minister, continued to take place on a monthly basis, as a mechanism for discussion of a range of rule of law issues. Both the Head of Mission and Deputy Head of Mission designates attended the Board in September in preparation for their taking up duty on 15 October 2010. The Head of Mission designate also visited the Department of Peacekeeping Operations at the end of September as part of his induction programme. EULEX continued to work closely with UNMIK and with other European Union presences in Kosovo, in particular the European Union Special Representative for Kosovo and the European Commission Liaison Office in Kosovo, and to coordinate closely with KFOR.

War crimes

The War Crimes Investigation Unit (WCIU) made an analysis of 305 pending cases finding gaps and deficiencies related to the type, time and location of offences. The Investigation Unit discussed these cases with the Special Prosecution Office of Kosovo and one case was dismissed in August. EULEX continued to work with the Serbian authorities on the suspected Raška mass grave case. An exhumation team from Belgrade took additional soil samples from a depth of 6 to 8 metres. Based on Kosovo Police intelligence, a new investigation has been launched related to a potential mass grave in a village near Lipjan/Lipljan. The Investigation Unit is looking into the alleged killing of some 150 Kosovo Albanians in Dubravë/Dubrava in May 1999. A formal investigation has not yet been opened. The Investigation Unit identified and located most of the witnesses connected to an investigation into

a suspected Kosovo Liberation Army detention centre in Lipjan/Lipljan (Klecka case), where Kosovo Albanians and Kosovo Serbs were allegedly tortured and killed. The Investigation Unit started investigations into alleged crimes committed in May 1999 in Zallq/Žać village (Istog/Istok municipality). The Investigation Unit met an association of Serbian families of missing persons, to improve the procedure established for collecting information on these cases. The Investigation Unit passed some information to some families on the fate of their relatives. The Department of Forensic Medicine — formerly Office of Missing Persons and Forensics — coordinated logistical preparations and began exhuming the suspected mass grave in Vushtrri/Vučitrn.

Cooperation between EULEX and the International Criminal Tribunal for the Former Yugoslavia is highly satisfactory and extends beyond war crimes issues, including witness protection. EULEX attended two meetings with the Tribunal to discuss issues related to the request of Lahi Brahimaj and Ramush Haradinaj for provisional release. On 23 August, the War Crimes Investigation Unit met representatives from the War Crimes Justice Project of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR). The project supports the transfer of expertise in war crimes from the Tribunal to local jurisdictions. The Investigation Unit suggested to OSCE/ODIHR the inclusion of Kosovo participants in a future training of Balkan war crimes prosecutors and investigators. The Investigation Unit is developing a project to build up improved methods for locating mass graves in Kosovo by using satellite imagery. On 27 August, the Investigation Unit took part for the first time as observers in a meeting of the Missing Persons Working Group chaired by the International Committee of the Red Cross in Belgrade. Both the International Committee of the Red Cross Serbian and Kosovo delegations expressed interest in direct contacts with the Investigation Unit. The Investigation Unit worked 10 days with the Tribunal investigators and prosecutors during their mission to Kosovo in September.

Police

The Kosovo Police started an overall assessment of senior positions that have yet to be filled. EULEX has been monitoring and advising on the selection process. Reduced staff levels continue to affect some units of the Kosovo Police Directorate of Organized Crime, after 16 officers were transferred to the Anti-Corruption Task Force under the Special Prosecution Office of Kosovo. EULEX Police Strengthening Department in cooperation with the Kosovo Police started to assess all working levels of the Kosovo Police management from the station level to the pillar level to support the Kosovo Police enhancing their Management Structures. EULEX is also supporting the new community policing methodology of the Kosovo Police.

Implementation of the Green Border Transfer Strategy on the border with the former Yugoslav Republic of Macedonia is facing some delays in the recruitment process and the equipment purchase. Handover by Kosovo Border and Boundary Police will take place by phases in different areas of the border with the former Yugoslav Republic of Macedonia starting at the end of the year. EULEX continued to monitor the synchronized patrols by the Kosovo Police Border and Boundary and Montenegrin Border Police that are taking place in an area of 11 km around the Kullë/Kulina border crossing point. The first steps to negotiate an agreement on border demarcation with Montenegro and the creation of new border crossing points will start soon. A Montenegrin commission is already created for this purpose. The

Kosovo authorities are still in the process of preparing the proposal for forming the delegation for negotiations.

On 23 August, the Kosovo Police took over full responsibility for securing the Monastery of Graçanicë/Gračanica from KFOR, after a transitional period of three weeks involving the joint presence of the Kosovo Police, KFOR and EULEX (in a monitoring role). No incident has been recorded. The new Patriarch Irinje of the Serbian Orthodox Church was enthroned at the Pejë/Peć Patriarchate on 3 October. EULEX Police monitored, mentored and advised relevant Kosovo Police personnel assigned to the operation. According to the evaluation of EULEX monitors, the Kosovo Police were able to carry out all of their functions with only minor advice and the Kosovo Police officers remained calm and professional in their duties, despite minor public order difficulties.

On the executive side, EULEX progressed in some high profile cases over the summer. On 19 July, Post and Telecommunications Kosovo (PTK) was the subject of searches at eight locations by EULEX Police and the Kosovo Police. The searches, which included the home of the PTK Director, were related to investigations into two multi-million euro contracts on telecommunication licences, between the Post and Telecommunications Kosovo and a mobile operator. On 23 July, the Kosovo Police arrested the Governor of the Central Bank of Kosovo after searching the premises of the Central Bank and private residences in connection with a number of corruption-related offences. A Kosovo special prosecutor, EULEX Police monitors and a liaison officer were present at the Central Bank to provide oversight and to ensure the effective gathering of evidence. The searches and the arrest were authorized by a pretrial judge of EULEX. The defendant was placed in detention on the order of a local pretrial judge. On 29 July, the Special Prosecution Office of Kosovo expanded the charges filed against the Central Bank Governor to include abuse of official position and receiving bribes over the issuance of operating licences to insurance companies. On 28 July, EULEX Police under the supervision of the Special Prosecution Office of Kosovo searched the residence of a former Kosovo Liberation Army commander suspected of war crimes. On 29 July, EULEX Police under the supervision of the Special Prosecution Office of Kosovo arrested an information technology administrator charged with obstruction of evidence in connection with the investigation into the Ministry of Transport and Telecommunication. He was released from detention by a pretrial judge of EULEX the following day but remains a suspect under investigation. On 15 September, EULEX Police and Kosovo Customs officers, supported by EULEX Special Police Department and under the supervision of a EULEX prosecutor from Pristina District Court, arrested five suspects on suspicion of involvement in organized crime, fuel smuggling, tax evasion and misuse of economic authorization. Two other suspects are respectively in Albania and in detention in Serbia since May 2010. A pretrial judge ordered a one-month detention on remand for all the arrested suspects while several seized items are being analysed. The investigation had been ongoing for over a year. Two arrests were made in north Mitrovicë/Mitrovica, one on a charge of attempted murder and one of unauthorized possession of weapons. The arrest warrants were issued by a pretrial judge of EULEX in the District Court of Mitrovica.

Justice

EULEX advisers continued to mentor, monitor and advise their local counterparts at all levels. Consultations between EULEX and local civil judges

resulted in a strategy to tackle the backlog of conflict-related property and compensation cases. The strategy comprises among other things the possibility to take decisions in cases without the presence of the claimant or respondent. Subsequently, the Municipality Court (MC) Lipjan/Lipljan and Kaçanik/Kacanik saw a significant reduction of cases pending decision. The latter reduced the backlog of stayed cases from 25 to 2 in September. On the executive side, the Supreme Court panel, presided over by a EULEX judge, decided to reject the appeal of the Governor of the Central Bank of Kosovo, whose detention on remand was affirmed. At the Mitrovicë/Mitrovica District Court, EULEX judges took over an additional 10 urgent criminal cases, including cases with defendants in pretrial detention since 2007 or 2008. A pretrial judge of EULEX revoked the arrest order of two defendants suspected of war crimes due to lack of grounded suspicion. At the same court, EULEX judges handed down a suspended sentence of two years in prison in a drug-related case and, in a separate case, sentenced a man to six years in prison for murder.

Customs

On 23 July, the Head of Mission chaired a meeting of the EULEX north Mitrovicë/Mitrovica task force, which was set up to coordinate law enforcement operations in the region. The joint Kosovo Customs and Kosovo Police Taskforce began operations in late August. Six of the 13 Kosovo Customs flexible anti-smuggling teams were allocated to work with the task force. The Kosovo Police and Kosovo Customs drafted an operational plan agreeing on all coordinated activities. Other agencies (Ministry for Transport and Telecommunications, Kosovo Food and Veterinary Agency, Ministry of Trade and Industry and Tax Administration of Kosovo) were also consulted. The task force has been initiated to conduct operations to tackle organized crime and smuggling activities.

Approved by Yves de KERMABON
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 18 October 2010)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Turkey	1
Romania	1
Russia	1
Pakistan	1
Ukraine	1
Total	**8**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 18 October 2010)

Country	*Number*
Denmark	1
Poland	1
Norway	1
Spain	1
Ukraine	2
Romania	1
Czech Republic	1
Total	**8**

Map No. 4133 Rev. 12 UNITED NATIONS
October 2010

Department of Field Support
Cartographic Section